

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**VENITA BURNS,**

**Plaintiff,**

**v.**

**AMERICAN UNITED LIFE  
INSURANCE COMPANY,**

**Defendant.**

**No. 05-CV-0466-DRH**

**ORDER**

**HERNDON, District Judge:**

Currently pending before the Court are two “appeals” of Magistrate Judge Proud’s Orders filed by Defendant (Docs. 41 & 47). The appeals stem from Judge Proud’s Orders allowing discovery outside the administrative record, granting in part Plaintiff’s motion to compel and denying Defendant’s motion for protective order (Docs. 38, 42, & 43). According to the record, there is some confusion as to what the standard of review and the scope of discovery should be in this case. This is complicated by the fact that at this time there is not a valid complaint on file.<sup>1</sup> In light of these circumstances, the Court **STAYS** all discovery in this case. Once a properly amended complaint is filed, the Court **ALLOWS** the parties ten days after the amended complaint is filed to address the standard of review and the scope of

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<sup>1</sup>However, there is a fourth motion to amend /correct the complaint pending (Doc. 57). This motion is not ripe for ruling.

discovery. As this may alleviate some of the confusion surrounding the discovery issues in this case.

**IT IS SO ORDERED.**

Signed this 2nd day of February, 2006.

/s/ David RHerndon  
**United States District Judge**